

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
FEBRUARY 28, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Amy Kelley, Systems Administrator
Russell Pancoast, Police Chief
Giancarlo Patino, Engineer Associate
Lindsey Withrow, Community Services Director
Stephen Myrick, Building Official
Barbara Hathaway, Library Director

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, February 28, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Michael Kleinman, Managing Partner for AusPro Enterprises, requested that the City Council approve his request for a temporary vending permit.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on February 14, 2012 and Special Session on February 21, 2012.
- B. Consider approval of the monthly financial and investment report.
- C. Consider approval of the Police Annual Report.
- D. Consider approval of the Library Annual Report.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the Consent agenda as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the City of Bee Cave participating in a Household Hazardous Waste Event on May 19th and continued participation throughout the year. Discuss and consider action on the site and NPS plan for First Star Bank, located at 3490 RR 620 South.

Renee Smith and Julie Oakley with the City of Lakeway presented this item.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to support the Household Hazardous Waste Event in May in an amount not to exceed \$9,000.00.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the site and NPS plan for First Star Bank, located at 3490 RR 620 South.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the site and NPS plan for First Star Bank.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the Site and NPS plans for Cielo Homes Phase I subdivision and two variances (1) to City of Austin Environmental Criteria Manual, Section 1.6.7 (A)(3)(d); to enable re-irrigation on land with slopes greater than 10% and (2) to Section 30.03.010 of the Bee Cave code; to waive detention requirements.

David Miller of Bury Partners was present at the meeting and spoke regarding this item.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the site and NPS plan including the variances for Cielo Homes Phase I subdivision.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
and Murphy
Voting Nay: Council Member Goodwin
Absent: None

The motion carried 4-1.

Discuss and consider action on Change Order No. 4 for Bee Cave Parkway Extension Phase 3B.

Casey Sledge of Sledge Engineering reported on this item.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve Change Order No. 4 for Bee Cave Parkway Extension Phase 3B.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on an Engineering Contract with Sledge Engineering to design and oversee the erosion repair under the ConSpan bridge in the Central Park.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve an Engineering Contract with Sledge Engineering to design and oversee the erosion repair in the Central Park.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Executive Session

The City Council closed the Open Session at 6:55 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.

The City Council closed the Executive Session at 7:49 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on a request from AusPro Enterprises, LP for a temporary vendor permit and also including a Council interpretation of City of Bee Cave Code of Ordinances Section 6.02.002, Permit required.

Terry Irion, Attorney at Law and representing AusPro Enterprises, requested that the Council approve the temporary vendor permit.

Tom Haas, owner of Estancia Furniture, stated that the Planet K signs were offensive and that his business was being adversely affected by the outside vendor sales. He encouraged the Council to deny the request for a temporary vendor permit.

The City Council discussed the application and the concerns they have around the application.

The City Council agreed and confirmed that the interpretation of Bee Cave Code of Ordinances, Section 6.02.002, that no permanent structures for residential or business occupation phrase means that no certificate of occupancy has been issued; therefore, Planet K does have to have a temporary vendor permit to continue to sell goods on the property.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Bockius, to deny the application request from AusPro Enterprises for a temporary vendor permit with the confirmed interpretation of Section 6.02.002 as stated.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session

The City Council closed the Open Session at 8:55 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- B. Discussion regarding acquisition of real property for possible use as water quality mitigation land.

The City Council closed the Executive Session at 9:14 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin, and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

The City Council adjourned the Regular Session at 9:15 p.m.

PASSED AND APPROVED this 13th day of March, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]